



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,317	10/23/2003	Per Johan Lundberg	1103326-0203	8231

7470 7590 09/15/2006

WHITE & CASE LLP
PATENT DEPARTMENT
1155 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

EXAMINER

SHEIKH, HUMERA N

ART UNIT	PAPER NUMBER
----------	--------------

1615

DATE MAILED: 09/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

The request for deferral/suspension of action under 37 CFR 1.103 has been approved.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SEP 15 2006

WHITE & CASE, LLP
PATENT DEPARTMENT
1155 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

In re Application of :
Per Johan Lundberget et al :
Serial No.: 10/693,317 : SUSPENSION OF ACTION
Filed: October 23, 2003 :
Attorney Docket No.: 1103326-0203 :

This is in reply to the renewed petition under 37 CFR 1.103 to suspend action in this application at applicant's request for a period of six months, filed July 21, 2006.

BACKGROUND

Applicants filed a petition to suspend prosecution in this application on April 27, 2006, on the basis that a District Court decision being appealed to the Federal Circuit had held claims of similar scope invalid. That petition was denied on June 12, 2006, in view of the fact that there was an outstanding Office action – Notice of Non-Compliant Amendment – and that applicants had given insufficient information about the appealed court decision.

Applicants filed this renewed petition on July 21, 2006, on the basis that a response to the Non-Compliant Amendment notice had been filed on June 13, 2006, prior to receipt of the decision and there was no longer an outstanding Office action compelling a reply. The response has been received and accepted as proper. Applicants have also given some additional details as to the Court decision, specifically that the claims of the great-great-grandparent of this application have been held invalid over prior art and that the claims of this application are of similar scope to those claims and that the Court of Appeals for the Federal Circuit review of that decision will be of significant importance to the determination of patentability of the pending claims which are rejected over the same prior art.

DISCUSSION

§ 1.103 Suspension of action by the Office.

(a) Suspension for cause. On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph for good and sufficient cause. The Office will not suspend action if a reply by applicant to an Office action is outstanding. Any petition for suspension of action under this paragraph must specify a period of suspension not exceeding six months. Any petition for suspension of action under this paragraph must also include:

- (1) A showing of good and sufficient cause for suspension of action; and
- (2) The fee set forth in § 1.17(h), unless such cause is the fault of the Office.

Applicants' reasons for requesting suspension are now found to satisfy the requirements of 37 CFR 1.103.

DECISION

In view of the above the petition for suspension of action is **GRANTED** for a period of six months from the date of mailing of this decision.

Applicants are requested to notify the Office should a decision be received prior to the expiration of the period of suspension.

Should there be any questions with respect to this action, please contact the examiner or William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600, P. O. BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at Office general facsimile number, 571-273-8300.

A handwritten signature in black ink, appearing to read 'Bruce M. Kisliuk', with a stylized, cursive script.

Bruce M. Kisliuk
Director, Technology Center 1600